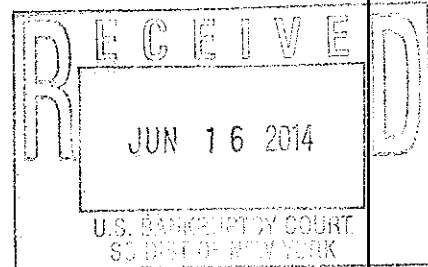


1 Karen M. Rozier  
2 7957 Dahlia Circle  
3 Buena Park, CA 90620  
4 (714) 512-5740  
5 Claimant Unrepresented

6 **UNITED STATES BANKRUPTCY COURT**  
7 **SOUTHERN DISTRICT OF NEW YORK**



8 In re: ) Chapter 11  
9 ) Case 12-12020  
10 Residential Capital, LLC, et. al. )  
11 ) MOTION FOR RECONSIDERATION OF  
12 Debtors ) ORDER DATED 02/26/14 PURSUANT TO  
13 ) RULES 9023 and 9024; REQUEST TO  
14 ) NUNC PRO TUNC ORDER  
15 ) [Claims 4738 and 5632]  
16 )  
17 ) [No appearances necessary]

18  
19 **TO DEBTORS AND ALL INTERESTED PARTIES – PLEASE TAKE NOTICE THAT**

20 Karen Michele Rozier, Claimant, represented pro se applies to this Court for  
21 reconsideration of the ORDER DENYING KAREN MICHELE ROZIER'S MOTION TO STRIKE  
22 entered on 06/5/14 [Docket #7055]. A true and correct copy of the ORDER is attached  
23 hereto as Exhibit **A**. A proposed corrected copy of the Court's Order is attached hereto  
24 as Exhibit **B**.

1 Claimant makes this request pursuant to Federal Rules of Bankruptcy Procedure Rules  
2 9023 and 9024. Rule 9024 incorporates Rule 60 of the Federal Rules of Civil Procedure,  
3 which establishes the grounds on which a court may grant relief from a final order. Rule  
4 9024 provides that relief may be granted for a clerical mistake or for "mistake,  
5 inadvertence, surprise, excusable neglect," newly-discovered evidence, fraud,  
6 misrepresentation, misconduct, where the order is void or has been satisfied, released,  
7 or discharged or "is no longer equitable, or for any other reason that justifies relief"  
8 from the order. FED. R. CIV. P. 60(a), (b).  
9

10 Rule 9023 of the Federal Rules of Bankruptcy Procedure incorporates Rule 59 of the  
11 Federal Rules of Civil Procedure, which governs motions for amendment of a judgment.  
12 Under Rule 9023, "reconsideration is proper 'to correct a clear error of law or prevent  
13 manifest injustice.'" *Munafo v. Metro. Transp. Auth.*, 381 F.3d 99, 105 (2d Cir. 2004)  
14 (internal citations omitted). "Generally, motions for reconsideration are not granted  
15 unless the moving party can point to controlling decisions or data that the court  
16 overlooked—matters, in other words, that might reasonably be expected to alter the  
17 conclusion reached by the court." *Key Mech. Inc. v. BDC 56 LLC (In re BDC 56 LLC)*,  
18 330 F.3d 111, 123 (2d Cir. 2003) (internal quotation marks and citation omitted).  
19  
20

21 Claimant concedes that Court does not intend to budge from its position that the  
22 Debtors did not review claims prior to placing them into the Independent Foreclosure  
23 Review (IFR) waterfall and therefore payment from the IFR does not constitute prima  
24 facie evidence that Debtor's have accepted the claim. Claimant disagrees but will take  
25 that up on appeal if necessary. Claimant believes hers is a unique situation which  
26 deserves immediate resolution. Claimant has every reason to suspect that the Debtors  
27 will seek to extend the Plan deadline past the publicized September 15, 2014 date. The  
28

1 purpose of this Request for Consideration and to Nunc Pro Tunc Matters is due to the  
2 clear and compelling evidence that the Bankruptcy Court was sitting on Claimant's filing  
3 in order to assist Debtor, whether intentionally or unintentionally so.

- 4  
5 1. Claimant submitted her request for payment on December 16, 2013. It was  
6 entered into the system a week later on December 23, 2013. [Docket #'s 6173  
7 and 6173-1]
- 8 2. Claimant wrote the Court on February 7, 2014, informing it that the Debtors had  
9 not opposed and requesting that the Court approve her Motion. [Docket #6479]  
10 All parties were electronically served on February 7, 2014.
- 11 3. A few days later on February 11, 2014, Debtors opposed 50-days later on.  
12 [Docket # 6461]
- 13 4. Claimant's letter was filed on February 11, 2104 but not entered until a few days  
14 later on February 14, 2014, after the Debtor's untimely opposition.
- 15 5. Claimant responded 9-days later on February 20, 2014. Her Reply was deemed  
16 not filed by the Clerk until February 24, 2014 but did not appear in the public  
17 website until March 4, 2014, or 8-days later.
- 18 6. The Court sustained Debtors' late objections and denied Claimant's request on  
19 February 26, 2014. [Docket #6519] This Order does not acknowledge  
20 Claimant's timely Reply though it was filed two days prior. Claimant's timely  
21 filed Reply was not entered into the system until March 4, 2014.
- 22 7. Claimant obtained a property appraisal to refute the Debtors and its co-  
23 defendants assertions in these and other proceedings. Claimant filed a Motion for  
24 Reconsideration on April 28, 2014 and included the appraisal with her motion.  
25 [Docket # 6861] All parties were electronically served on April 29, 2014.  
26 According to the United States Postal System, it was delivered to the court on  
27  
28

1 Wednesday April 30, 2014. It was not entered into the system until May 6, 2014,  
2 or 6-days later. [Exhibit 1]

3 8. Twenty-three days later on May 22, 2014, Claimant filed and electronically  
4 served on all parties a CERTIFICATE OF NO OBJECTION. Claimant also mailed it  
5 to the court. [Exhibit 2]

6 9. The next day, Debtors filed its objection.

7 10. Claimant filed a Motion to Strike and Reply to Objection on May 28, 2014, again  
8 electronically serving all parties. [Docket # 7047] According to the USPS, the  
9 Motion was delivered to the court on May 30, 2014 at 1:13 pm. [Exhibit 3] Filed  
10 6/2/14 and entered the same date.

11 11. The Court allowed Debtors late opposition while being blind to the Claimant's  
12 timely filed and served CERTIFICATE OF NO OBJECTION.

13 12. Claimant called several times and made written inquiries into the status of the  
14 missing filing. It wasn't until Claimant accused the Clerk of collusion and  
15 demanded that the Court pay Claimant \$300,000 in interest for its role as a co-  
16 Debtor did the Clerk file the document into the record, a few hours later on the  
17 same day of June 9, 2014 – 18-days after filing.

18 13. Claimant is an individual and not a corporation or attorney and therefore legally  
19 prohibited from electronically filing. Claimant, a degreed electrical engineer and  
20 former rocket scientist, routinely electronically files in Orange County cases. The  
21 Court's arbitrary rules clearly have harmed this Pro Se Claimant who have  
22 followed every rule while assisting the well-represented Debtors, who have  
23 followed none. Shame on the Court.

24 14. Claimant laments the necessity of this filing. It is not her intent to add to the  
25 court's burden, but Claimant is concerned about what appears to be collusion  
26  
27  
28

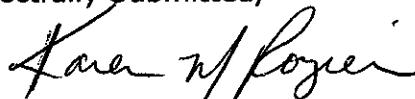
1 between the federal bankruptcy Clerk and the Debtors or its agents. All parties  
2 must be investigated.

3 15. An independent party should review the motions in the order filed, not in the  
4 order when the Clerk decides to enter them. A review of all of Claimant's filings  
5 quickly demonstrate that the Clerk has been routinely sitting on Claimant's filing  
6 to Debtors' benefit. As the United States Trustee was also electronically served,  
7 the Court should reasonably consider the date the Trustee received the  
8 documents as the date of filing since we clearly can not trust the Clerk or mail  
9 room. As some documents were sent Federal Express at great expense, it was  
10 unreasonable for the mailroom or Clerk to assume these documents were  
11 anything less than time-sensitive.  
12

13 **WHEREFORE,** Claimant Karen Michele Rozier moves this Court to reconsider its earlier  
14 orders, **STRIKE** the Debtors' opposition to her Request for Reconsideration, and  
15 acknowledge that Claimant's request are timely and reasonable while the Debtors'  
16 responses are time barred and the Clerk's action's inexcusable.  
17

18  
19 Date: June 11, 2014

Respectfully Submitted,

20   
21 Karen Michele Rozier  
22  
23  
24  
25  
26  
27  
28

**ATTACHMENT A**

In re:	)	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, <i>et al.</i> ,	)	Chapter 11
Debtors.	)	Jointly Administered

On April 30, 2014, Karen Michele Rozier filed a *Motion for Reconsideration of Order Dated 2/26/14 Pursuant to Rules 9023 and 9024* (ECF Doc. # 6861). The ResCap Borrower Claims Trust filed an objection to Rozier's reconsideration motion on May 23, 2014 (ECF Doc. # 7004). On June 2, 2014, the Court entered an order denying Rozier's motion for reconsideration (ECF Doc. # 7028). That same day, Rozier filed a motion to strike the Trust's objection to her reconsideration motion (ECF Doc. # 7047). Rozier's motion to strike is **DENIED.**

/s/Martin Glenn  
MARTIN GLENN  
United States Bankruptcy Judge

**ATTACHMENT B**



**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re: )  
 ) Case No. 12-12020 (MG)  
 )  
 RESIDENTIAL CAPITAL, LLC, et al., ) Chapter 11  
 )  
 Debtors. ) Jointly Administered  
 )

**ORDER DENYING KAREN MICHELE ROZIER'S MOTION TO STRIKE**

On April 30, 2014, Karen Michele Rozier filed a *Motion for Reconsideration of Order*  
*On May 22, 2014, Ms. Rozier filed and served her*  
*Dated 2/26/14 Pursuant to Rules 9023 and 9024 (ECF Doc. # 6861).* The ResCap Borrower  
Claims Trust filed an objection to Rozier's reconsideration motion on May 23, 2014 (ECF Doc.  
# 7004). On June 2, 2014, the Court entered an order denying Rozier's motion for  
reconsideration (ECF Doc. # 7028). *PRIOR TO RECEIVING THE*  
*COURT'S ORDER* That same day, Rozier filed a motion to strike the Trust's  
objection to her reconsideration motion (ECF Doc. # 7047). Rozier's motion to strike is

~~DENIED~~ **GRANTED**

Dated: June 5, 2014  
New York, New York

/s/Martin Glenn  
MARTIN GLENN  
United States Bankruptcy Judge

*certified  
No objection.  
The Clerk  
sat on it  
until  
JUNE 9, 2014  
and only uploaded  
into the system  
after Ms. Rozier  
filed a formal  
written complaint  
and gave verbal  
notice of her intent  
to sue the Clerk  
personally.*

**EXHIBIT 1**

**EXHIBIT 1**

# Exhibit 1

Receipt from mailing of Docket # ???, Certificate of No Objection

Mailed: 5/22

E-served 5/22 (Exhibit )

Delivered: ???

Filed: ???

Entered: ???

```
=====
BUENA PARK MAIN OFFICE APC 3
7377 LA PALMA AVE
BUENA PARK, CA 90622-9998

05/22/2014 05:47:00 PM
=====
```

Sales Receipt			
Product	Sale	Unit	Final
Description	Qty	Price	Price
NEW YORK, NY 10004			\$1.19
Zone-8			
First-Class Mail® Large Envelope			
0 lb. 1.30 oz.			
Customer Postage			-\$ .49
* Expected Delivery Day Tuesday, May			
27.			
Issue Postage:			=====
			\$ .70
\$ .49 Stamp	1	\$ .49	\$ .49
Total:			=====
			\$1.19
Paid by:			
DebitCard			\$1.19
Account #:	XXXXXXXXXXXX5532		
Approval #:	014820		
Transaction #:	322		
23-90250113-99			
Receipt #:	004597		
SSK Transaction #:	36		
USPS® #	051020-9552		

Thanks.  
It's a pleasure to serve you.

ALL SALES FINAL ON STAMPS AND POSTAGE.  
REFUNDS FOR GUARANTEED SERVICES ONLY.

# Exhibit 1

5/23/2014

12-12020-mg

Print

Date: Thursday, May 22, 2014 7:38 PM  
From: rozier.david@roadrunner.com  
To: LNASHELKSY@MOFO.COM, GLEE@MOFO.COM, LMARINUZZI@MOFO.COM,  
TRACY.DAMS2@USDOJ.GOV, LINDARIFFKIN@USDOJ.GOV, BRIAN.MASUMOTO@USDOJ.GOV,  
KECKSSTEIN@KRAMERLEVIN.COM, TMAYERJ@KRAMERLEVIN.COM, DMANNAL@KRAMERLEVIN.COM  
Cc: rozier.karen@yahoo.com  
Subject: \*\*\* SERVICE \*\*\* Certificate of No Service 12-12020 (MG)

TO ALL INTERESTED PARTIES: Attached is a Certificate of No Objection [Claims 4738 and 5632] with proposed ORDER.

David E. Rozier

 Certificate of No Objection.PDF

English

Customer Service

USPS Mobile

Register / Sign In



Search USPS.com or Track Packages

Quick Tools

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

## USPS Tracking™



Customer Service :  
Have questions? We're here to help.

Tracking Number: **9114901230801953129336**

Expected Delivery Day: **Wednesday, April 30, 2014**

### Product & Tracking Information

Postal Product:  
Priority Mail 2-Day™

Features:  
\$50 insurance included

USPS Tracking™

DATE & TIME	STATUS OF ITEM	LOCATION
<b>April 30, 2014 , 10:13 am</b>	<b>Delivered</b>	<b>NEW YORK, NY 10004</b>
Your item was delivered at 10:13 am on April 30, 2014 in NEW YORK, NY 10004.		
April 30, 2014 , 10:07 am	Out for Delivery	NEW YORK, NY 10004
April 30, 2014 , 9:57 am	Sorting Complete	NEW YORK, NY 10004
April 30, 2014 , 8:14 am	Arrival at Post Office	NEW YORK, NY 10004
April 30, 2014 , 5:21 am	Depart USPS Sort Facility	BETHPAGE, NY 11714
April 30, 2014 , 12:39 am	Processed through USPS Sort Facility	BETHPAGE, NY 11714
April 29, 2014 , 1:30 am	Depart USPS Sort Facility	ANAHEIM, CA 92899
April 28, 2014 , 10:05 pm	Processed through USPS Sort Facility	ANAHEIM, CA 92899
April 28, 2014 , 6:59 pm	Depart Post Office	BUENA PARK, CA 90622
April 28, 2014 , 6:03 pm	Acceptance	BUENA PARK, CA 90622

### Available Actions

USPS Text Tracking™

Email Updates

### Track Another Package

What's your tracking (or receipt) number?

Track It

LEGAL

Privacy Policy ›

ON USPS.COM

Government Services ›

ON ABOUT.USPS.COM

About USPS Home ›

OTHER USPS SITES

Business Customer Gateway ›

## **EXHIBIT 2**

**EXHIBIT 2**

## Exhibit 2

Receipt from mailing of **Docket # 6861**, Motion for Reconsideration

Mailed: 4/28

E-served 4/29 (Exhibit )

Delivered 4/30

Filed: 4/30 (Exhibit )

Entered: 5/6

BUENA PARK POST OFFICE  
BUENA PARK, California  
906229998  
0544950120 .0098  
04/28/2014 (714)523-8701 06:03:44 PM

Sales Receipt			
Product	Sale	Unit	Final
Description	Qty	Price	Price
00 NEW YORK NY 10004 Zone-9			\$5.60
Priority Mail 2-Day			
Flat Rate Env			
2 lb. 0.60 oz.			
Expected Delivery: Wed 04/30/14			
USPS Tracking #:			
9114901230803963129336			
Includes \$50 insurance			
Issue PVI:			\$5.60
Total:			\$5.60
Paid by:			
Cash			\$10.00
Change Due:			\$4.40

00 For tracking or inquiries go to  
USPS.com or call 1-800-222-1811.  
\*\*\*\*\*  
BRIGHTEN SOMEONE'S MAILBOX: Greeting cards  
available for purchase at select Post  
Offices.  
\*\*\*\*\*

## Exhibit 2

## Exhibit 2

6/5/2014

Print

**Subject:** Re: \*\*\* NOTICE OF ESERVICE \*\*\* CASE 12-12020 MOTION [Claims 4738, 5632]

**From:** Karen Rozier (rozier.karen@yahoo.com)

**To:** rozier.david@roadrunner.com; Inashelsky@mofo.com; keckstein@kramerlevin.com;  
dmannal@kramerlevin.com; glee@mofo.com; Tracy.Davis2@usdoj.gov; Linda.Riffkin@usdoj.gov;  
tmayer@kramerlevin.com; Brian.Masumoto@usdoj.gov; lmarinuzzi@mofo.com;  
enid.stuart@OAG.State.NY.US;

**Date:** Tuesday, April 29, 2014 12:21 AM

### Motion for Reconsideration.pdf

Karen Rozier shared from Dropbox

View on [www.dropbox.com](http://www.dropbox.com)

Preview by Yahoo

On Tuesday, April 29, 2014 12:03 AM, "rozier.david@roadrunner.com" <rozier.david@roadrunner.com> wrote:

TO ALL INTERESTED PARTIES:

Please be advised that Claimant Karen Michele Rozier mailed today to the Clerk of the United States Bankruptcy Court for the Southern District of New York:

MOTION FOR RECONSIDERATION OF ORDER DATED 02/26/14 PURSUANT TO RULES 9023 and 9024 [Claims 4738 and 5632]

I will forward from her Dropbox. Thank you.

David E. Rozier  
(714) 512-5740

## Exhibit 2



## **EXHIBIT 3**

## **EXHIBIT 3**

## Exhibit 3

Receipt from mailing of Docket # 7047, Reply to Opposition and Motion to Strike

Mailed: 5/29

E-served 5/29 (Exhibit )

Delivered 5/30 (Exhibit )

Filed: 6/2

Entered: 6/4

BUENA PARK POST OFFICE  
BUENA PARK, California  
906229998  
0544850120 -0097  
05/29/2014 (714)523-8701 10:14:49 AM

Product Description	Sale Qty	Unit Price	Final Price
NEW YORK NY 10004-1415 Zone-8 Priority Mail Express 1-Day Legal Flat Rate Env 8.30 oz. USPS Tracking #: EK266756113US Scheduled Delivery Day: Fri 05/30/14 12:00PM - Money Back Guarantee Includes \$100 insurance			\$19.99
Signature Waived			
Issue PVI:			\$19.99
ALEXANDRIA VA 22314 Zone-8 First-Class Mail Large Env 7.00 oz. Expected Delivery: Mon 06/02/14			\$2.24
Issue PVI:			\$2.24
Total:			\$22.23
Paid by:			
Cash			\$25.00
Change Due:			\$2.77

\*\*\*\*\*

## Exhibit 3



Date: June 5, 2014

Karen Rozier:

The following is in response to your June 5, 2014 request for delivery information on your Priority Mail Express® item number EK266756113US. The delivery record shows that this item ~~was delivered on May 30, 2014 at 1:13 pm in NEW YORK, NY 10004 to E PESELLI~~. The scanned image of the recipient information is provided below.

Signature of Recipient :

ure	
ed e	

Address of Recipient :

ary ses	
------------	--

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,  
United States Postal Service

## Exhibit 3

◀ Search results

◀ ◀ ▶

Delete

Move ▾

Spam ▾

More ▾

▶

Documents Served

rozier.david@roadrunner.com

May 30 at 8:52 PM

To lnashelsky@mofo.com, glee@mofo.com, lmarinuzzi@mofo.com, keckstein@kramerlevin.com, tmayer@kramerlevin.com, dmannel@kramerlevin.com, TracyDavis2@usdoj.gov, Linda.Rifkin@usdoj.gov, Brian.Masumoto@usdoj.gov, Me

These documents were filed on Thursday May 29, 2014.

David

3 Attachments | View all | Download all ▾

Reply\_opposition\_r... .pdf

View | Download ▾

Public Notice.PDF

View | Download ▾

POS.pdf

View | Download ▾

Reply, Reply All or Forward | More

Click to reply all

**PROOF OF SERVICE**

**Case 12-12020 (MG) In re Residential Capital, LL**

I am a resident of the State of California. I am over the age of 18 and not a party to the within action. My business address is 7957 Dahlia Circle, Buena Park, CA 90620.

**- MOTION FOR RECONSIDERATION OF ORDER DATED 02/26/14  
PURSUANT TO RULES 9023 and 9024; REQUEST TO NUNC PRO TUNC  
ORDER [Claims 4738 and 5632]**

On all interest parties in this action by mail as follows:

Counsel to the Debtors

Larren M. Nashelsky  
Gary S. Lee  
Lorenzo Marinuzzi  
MORRISON & FOERSTER LLP  
1290 Avenue of the Americas  
New York, NY 10104

Office of the United States Trustee

Tracy Hope Davis  
Office of the United State Trustee  
201 Varick Street, Suite 1006  
New York, NY 10004

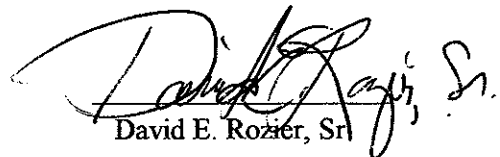
Counsel to the Official Committee of

Unsecured Creditors

Kenneth H. Eckstein  
Thomas Moers Mayer  
Douglas H. Mannal  
Kramer Levin Naftallis & Frankel LLP  
1177 Avenue of the Americas  
New York, NY 10036

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 11, 2014

  
David E. Rozier, Sr.